

JOSEPH W. COTCHETT (36324)  
[jcotchett@cpmlegal.com](mailto:jcotchett@cpmlegal.com)  
NANCY L. FINEMAN (124870)  
[nfineman@cpmlegal.com](mailto:nfineman@cpmlegal.com)  
MARK C. MOLUMPY (168009)  
[mmolumphy@cpmlegal.com](mailto:mmolumphy@cpmlegal.com)  
JORDANNA G. THIGPEN (232642)  
[jthigpen@cpmlegal.com](mailto:jthigpen@cpmlegal.com)  
MATTHEW K. EDLING (250940)  
[medling@cpmlegal.com](mailto:medling@cpmlegal.com)  
**COTCHETT, PITRE & McCARTHY**

San Francisco Airport Office Center  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Phone: (650) 697-6000  
Fax: (650) 697-0577

*Attorneys for Plaintiff Lisa Galaviz,  
derivatively on behalf of Oracle Corporation*

JORDAN ETH (121617)  
[jeth@mofo.com](mailto:jeth@mofo.com)  
PHILIP T. BESIROF (185053)  
[pbesirof@mofo.com](mailto:pbesirof@mofo.com)  
**MORRISON & FOERSTER LLP**  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

*Attorneys for Nominal Defendant  
Oracle Corporation*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**LISA GALAVIZ, derivatively on behalf of  
ORACLE CORPORATION,**

Plaintiff,

vs.

**JEFFREY S. BERG,  
H. RAYMOND BINGHAM,  
MICHAEL J. BOSKIN,  
SAFRA A CATZ,  
LAWRENCE J. ELLISON,  
HECTOR GARCIA-MOLINA,  
JEFFREY O. HENLEY,  
DONALD L. LUCAS  
CHARLES E. PHILLIPS, JR.,  
NAOMI O. SELIGMAN,  
And DOES 1-5, inclusive,**

Defendants;

-and-

**ORACLE CORPORATION**

Nominal Defendant.

Case No. 10-CV-3392-RS

**STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS**

1 The parties have met and conferred regarding ADR process. For the reasons discussed  
 2 below, the parties agree to meet and confer further regarding ADR after the Court rules on Oracle's  
 3 motion to dismiss.  
 4

5 On October 28, 2010, Oracle filed a motion to dismiss for improper venue based on the  
 6 forum-selection clause in Oracle's bylaws. Plaintiff believes that venue is proper in the Northern  
 7 District of California and intends to oppose Oracle's motion. Oracle's motion to dismiss regarding  
 8 venue is scheduled to be heard on December 2, 2010.  
 9

10 Given the current uncertainty of the pleadings, the parties agree to meet and confer further  
 11 regarding ADR within 60 days after the Court's ruling on Oracle's motion to dismiss.  
 12

13 Dated: October 29, 2010

By: \_\_\_\_\_/s/  
 MATTHEW K. EDLING  
 COTCHETT, PITRE & McCARTHY  
 840 Malcolm Road  
 Burlingame, CA 94010  
 Telephone: (650) 697-6000

*Attorneys for Plaintiff Lisa Galaviz,  
 derivatively on behalf of Oracle Corporation*

19 Dated: October 29, 2010

By: /s/ (with permission)  
 PHILIP T. BESIROF  
 MORRISON & FOERSTER  
 425 Market Street  
 San Francisco, CA 94105-2482  
 Telephone: (415) 268-7000

*Attorneys for Nominal Defendant  
 Oracle Corporation*

25 IT IS SO ORDERED.

26 Dated: 11/2/10

27 RICHARD ~~RICHARD~~ SEEBORG  
 UNITED STATES DISTRICT JUDGE  
 28